



State of Wisconsin
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection
Rod Nilsestuen, Secretary

April 18, 2007

The Honorable Julie Lassa, Chair
Committee on Economic Development, Job Creation, Family Prosperity and Housing

Re: SB 37 relating to regulations of unsafe children's products.

Dear Senator Lassa:

Thank you for permitting the Department of Agriculture, Trade & Consumer Protection the opportunity to support SB 37. We believe this bill is a necessary step in protecting innocent children from hazardous products.

This bill regulates the sale of products that are designed for the care of, or use by, children under 12 years of age that 1) do not conform to state or federal safety laws; 2) have been recalled; 3) have had a safety warning issued by a state or federal agency.

Currently when the department finds a retailer selling unsafe children's products we strive to educate it about the product's hazard, including any injuries and deaths resulting from use of the product, and encourage the product's removal from the store shelves. However, the department does not have authority to require them to stop selling the products and may only request it does so "for the safety of children". This bill would provide the department with the authority necessary to mandate that stores discontinue the sale of unsafe children's products.

To date Illinois, Michigan, Vermont, Louisiana, Arkansas, Missouri and Rhode Island have already passed similar legislation. In addition, California, Oregon, Washington, Arizona, Colorado and Pennsylvania have passed legislation dealing strictly with cribs.

We urge the committee to move this bill forward to minimize the risk of hazardous children's products to Wisconsin children.

We thank the Committee for the opportunity to provide written comments in support of SB 37.

Respectfully,


Janet Jenkins, Administrator
Division of Trade & Consumer Protection

Agriculture generates \$51.5 billion for Wisconsin

Members of the Committee, my name is Dipesh Navsaria. I am a resident physician in Pediatrics at the University of Wisconsin Hospital and Clinics, and I also hold a master's in public health. I come here on behalf of the Wisconsin Chapter of the American Academy of Pediatrics to support the *Children's Product Safety Act*.

It was only a few months ago that I became aware that no provision exists in Wisconsin state law to prohibit the resale or lease of recalled unsafe children's products. Even more disturbingly (and here I speak as both a health care professional as well as a parent of preschoolers), the use of such products in child care facilities is not prohibited. On average, two children's products per week are recalled.

The need for this legislation is fairly clear. There are approximately **sixty deaths** a year associated with such products throughout the country, according to the Consumer Product Safety Commission. While this number may not seem high, these deaths are easily preventable. In addition, there are over **sixty thousand injuries**. As a pediatric resident, I can tell you that the experience of a sudden trauma followed by admission to a pediatric intensive care unit is deeply unsettling to a family even for those children who will fully recover. I don't need to tell you how a more serious injury can have profound and long-lasting implications for the well-being of the entire family and as well as their ability to function as productive members of society.

As a parent, while I check notices of current recalls as they come out, I would like to be able to visit a retailer secure in the knowledge that products known to be dangerous are not on the shelves. Equally, I would like to be reassured that my children's preschool does not have recalled products in use. The effects of child injuries on child care facility staff should also not be discounted — I have served as a medical consultant to a child care center in the past, and even minor incidents which were handled "by the book" leave teachers upset and detract from the joy of caring for children. I came here from Illinois, which was one of the first states to pass similar legislation, apparently in a cost-neutral manner according to their Department of Public Health. We need to extend similar protection to our state.

Speaking as those who care for the health of Wisconsin's children, we strongly encourage the passage of the Children's Product Safety Act. It will decrease the burden of morbidity and mortality among young children, provide reassurance to parents and child care providers, and ensure that the intention behind product recalls has as wide an effect as possible. Thank you for your time and consideration of this very important bill.

Dipesh Navsaria, MPH, MSLIS, MD
Resident Physician, Pediatrics
University of Wisconsin Hospital & Clinics
dipesh@navsaria.com
608/234-2874

American Academy of Pediatrics

DEDICATED TO THE HEALTH OF ALL CHILDREN™



Wisconsin Chapter

Wisconsin Chapter
330 E. Lakeside Street
PO Box 1109
Madison, WI 53701
Phone: 262/569-0074
E-mail: wisaap@wi.rr.com

Senator Julie Lassa
PO Box 7882
State Capitol
Madison, WI 53707-7882

1 March 2007

Wisconsin Chapter Executive Committee

Dear Senator Lassa:

President
Halim Hennes, MS, MD, FAAP
Emergency Medicine Section
Department of Pediatrics
Medical College of Wisconsin
9000 W. Wisconsin Ave. - MS#677
Milwaukee, WI 53226
Phone: 414/266-2629
E-mail: hennes@mail.mcw.edu

The Wisconsin Chapter of the American Academy of Pediatrics (WIAAP) strongly supports your recently introduced legislation, SB 37, the *Children's Product Safety Act*, which is aimed at prohibiting the resale or lease of recalled unsafe children's products, or their use in child care facilities. Your leadership is greatly appreciated.

The value of your legislation is clear and convincing. In our country over **sixty children die annually** in incidents associated with nursery products and over sixty thousand are injured. The general expectation among parents is that someone out there is making sure that children's products are safe. Your legislation will help ensure that parents' assumptions are true, and that recalled products are being removed from childcare centers and are not resold here in Wisconsin. On average children's products are recalled **twice a week** by the Consumer Product Safety Commission.

Vice President
Jeffrey H. Lamont, MD, FAAP
Department of Pediatrics
Marshfield Clinic - Wausau Center
2727 Plaza Drive
Wausau, WI 54401
Phone: 715/847-3575
E-mail: jeffrey@marshfieldclinic.org

The WIAAP recognizes that your legislation will create an efficient notification process, facilitate parental and caregiver knowledge about recalled products, prohibit the use of dangerous items in childcare centers, and prohibit their commercial resale. Seven other states have already taken similar action to protect their children from unsafe recalled products and in at least Illinois this was done in a cost-neutral manner.

Secretary/Treasurer
LuAnn Moraski, DO, FAAP
Internal Medicine and Pediatrics
Medical College of Wisconsin
8701 Watertown Plank Road
Milwaukee, WI 53226
Phone: 414/266-6809
E-mail: lmoraski@mcw.edu

Again, the WIAAP supports SB 37 and your goal of improving the lives of children and families in our state. We look forward to working with your office to move this important legislation forward.

Immediate Past President
Carl Eisenberg, MD, FAAP
11042 N. Hedgewood Lane
Mequon, WI 53092-4910
E-mail: ceisenberg@aapscot.org

Sincerely,

Chapter Executive Director
Kia LaBracke
N62 W37562 Parkview Drive
Oconomowoc, WI 53066-1716
Phone: 262/569-0074
E-mail: wisaap@wi.rr.com

Dipesh Navsaria, MPH, MSLIS, MD
Resident Representative

Jeffrey Britton, MD, FAAP
Chair, Cmte. on Injury, Violence & Poison Prevention

Chapter Web site
www.wisaap.org

AAP Headquarters
141 Northwest Point Blvd
Elk Grove Village, IL 60007-1098
Phone: 847/434-4000
Fax: 847/434-8000
E-mail: kidsdocs@aap.org
Web: www.aap.org

Halim Hennes, MS, MD, FAAP
President, WIAAP

Timothy Corden, MD, FAAP
WIAAP Board
Chair, Legislative Committee



JULIE LASSA

STATE SENATOR

Testimony on Senate Bill 37
Committee on Economic Development, Job Creation, Family Prosperity and Housing
Wednesday, April 18th
400 SE
10:00 am.

Thank you for the opportunity to provide testimony today on Senate Bill 37, the Children's Product Safety Act.

I have worked on this legislation over the past three years with Kids In Danger, an organization founded by the parents of a little boy named Danny Keysar who was strangled to death at his licensed childcare facility when a Playskool Travel-Lite portable crib collapsed, trapping his neck in the "v" of its folded rails. Danny was only 16 months old when he died in 1998. Danny's parents discovered that the Playskool Travel-Lite crib that he had died in was recalled in 1993. Three children died in these cribs before the recall and a fourth in 1995. Danny became the crib's fifth victim. A 10-month-old New Jersey baby became the sixth child to be strangled to death by the Playskool crib just three months later. A total of 16 children have been killed by these types of cribs.

Wisconsin lives have been touched by the failure to remove dangerous products from homes and childcare facilities. In April 25, 2007, 9-month-old Jared Adams died in a Wisconsin hospital from injuries sustained from suffocation after becoming wedged in the collapsed side rail of his Evenflo Happy Camper and a two-year-old from Mauston was also strangled to death in 2003 when the same faulty product collapsed around his neck.

The Consumer Product Safety Commission (CPSC) recalls, on average, two children's products per week, representing half of all products recalled by the Commission. Very few children's products have mandatory federal standards or testing requirements – leaving the recall system as the only way to remove these products from use. Unfortunately, statistics show that 52 children die annually and 67,000 are injured each year in the United States as a result of dangerous children's products unknowingly being in homes, childcare facilities or anywhere else children's products are used. While the CPSC alerts media of the recall, it is rare that follow-ups are done in childcare facilities and retail stores to ensure that recalled toys and cribs are out of use.

Most childcare providers in Wisconsin operate in good faith, love the children they take care of and would never want to see them hurt, but they may not have the necessary resources to know when they have dangerous or recalled children's products at their facilities. Wisconsin does not currently have regulations mandating that licensed or certified childcare facilities remove dangerous children's products from their facilities, nor do we give the Department of Agriculture, Trade and Consumer Protection enough regulatory power to ensure that businesses do not repeatedly ignore warnings to remove recalled toys from their shelves.

The bill requires that the Department of Agriculture, Trade and Consumer Protection (DATCP) maintain a list of recalled children's products and to make the list available to the public on the internet. I have samples in each of your packets of a listserv service that the Consumer Product Safety Commission maintains on recalled products. If you add your email address to the listserv, you find out immediately when a product is recalled.

The Child Product Safety Act requires that DHFS provide childcare facilities with a form stating that they have reviewed the recall list to ensure that no recalled products exist on the premises. These forms will be collected by childcare licensing and certifying personnel during the facility's re-licensure or re-certification. If a recalled product does exist within the childcare facility, the facility is required to immediately remove the product. Childcare facilities would also be required to maintain a file of all recall notices provided by DHFS for one year after the date of the recall in order to allow parents or guardians to inspect them.

This legislation also gives increased enforcement authority to the Department of Agriculture, Trade and Consumer Protection to ensure that recalled products stay off of store shelves. When merchants receive a recall notice and remove the product from their shelves, they often do not have a system in place to ensure that the product stays off the shelves. DATCP currently does not have the ability to issue fines to retailers for continuous failure to remove dangerous products, but is allowed to stipulate civil forfeitures agreed to by the company as part of an enforcement measure. There have only been around 1-2 civil forfeitures per year by retailers.

Because DATCP has encountered difficulties in getting retailers to establish long-term strategies for ensuring that recalled products remain off their shelves, Senate Bill 37 allows DATCP to fine retailers for refusing to remove recalled products, or products deemed to create a safety hazard, from their stores to a range of \$100 - \$10,000. The large range of fines is needed for the rare retailer who repeatedly ignores DATCP warnings to remove products because the price of selling the dangerous products exceeds the amount of the fine DATCP can use under current law. Under current law, District Attorneys are allowed to fine retailers for failure to remove recalled products in the amount of \$5,000, but it is difficult for DATCP to get DAs to take these cases.

Finally, I would like to say that this bill was passed without any fiscal effect in Illinois in 1999 and has since been passed in Michigan, Vermont, Arkansas, Louisiana, Missouri and Rhode Island. The bill is supported by Children in Danger and the American Academy of Pediatrics.

Thank you for your time and consideration of this issue. I would be happy to answer any questions that you may have.



A nonprofit organization
dedicated to protecting children by
improving children's product safety

Linda E. Ginzel, Ph.D.
Boaz Keysar, Ph.D.
Co-Founders

Kristine Anderson
Leslie M. Batterson
Sonny Garg
Howard Haas
Shawn S. Kasserman
Jill C. Rasmussen
Heather Shinn
Linda Stone
Steven W. Swibel
Robert R. Tanz, MD
Board of Directors

Nancy A. Cowles
Executive Director

**Written Testimony submitted to the
Wisconsin Senate Committee on Economic Development, Job Creation,
Family Prosperity and Housing
SB 37 (Lassa)
April 18, 2007**

(This is testimony written by Linda Ginzel, mother of Danny Keysar)

My name is Linda Ginzel. I am a mother. I am also a professor at the University of Chicago. My husband is also a professor. This means that like many parents we rely on childcare.

Almost nine years ago, on May 12, 1998, my 16 1/2 month-old son Danny was strangled at his licensed childcare facility in our Chicago neighborhood. There is absolutely no reason for this to ever happen again. Danny's death was completely preventable.

You see, my little boy was killed by a defective children's product -- a crib -- the Playskool Travel-Lite portable crib -- where he napped in the afternoons at his childcare home.

This crib has hinges in the top rails that allow it to collapse and fold flat for storage. This type of crib is defective because it can collapse unexpectedly while the product is in use.

According to the U.S. Consumer Product Safety Commission (CPSC), Danny was not the first baby to die in the Playskool Travel-Lite, he was not the second, he was not the third, and he was not even the fourth child to die. My son, Daniel, was the fifth baby whose neck was caught between the top rails of this crib when it collapsed and strangled him to death. On August 19, 1998 -- three months after Danny died -- 10-month old William Curran of Fair Haven, New Jersey became this crib's sixth victim.

After we buried our son, my husband and I learned that 1.5 million portable cribs of similar collapsing, top-rail design by five manufacturers have been recalled, but according to the Chicago Tribune (June 15, 1998) over one million may still be in use. As of today, the official death count from these portable cribs stands at 16 children. The most recent victim was killed in March 2003 in Wisconsin.

116 W. Illinois Street, Suite 5E
Chicago, IL 60610-4532
312-595-0649 Phone
312-595-0939 Fax

DON'T LEARN ABOUT RECALLS FROM YOUR BABY

www.KidsInDanger.org
email@KidsInDanger.org

How is it possible that my son died in this way? How can such a deadly crib be found in a licensed childcare facility? You should know that just eight days before this crib collapsed and killed my son, his childcare home passed a routine inspection conducted by the Illinois Department of Children and Family Services.

There is absolutely no reason for another child to die due to the lack of information about unsafe, recalled products. Senate Bill 37 would protect our children from such products, which might otherwise be in routine use in homes and childcare settings. This legislation prohibits a childcare facility from using any unsafe children's product, while providing information to the providers about recalls. It also prohibits the sale or lease of any dangerous or recalled children's item. Illinois passed a similar measure in 1999 and has been joined by six other states.

Since Danny died, my husband and I have learned a lot about the lack of information that contributed to our son's death. Moreover, the problem goes far beyond collapsing portable cribs. The CPSC recalls children's products at a rate of two per week. In 2006 alone, this amounted to over 18 million individual units, not including car seats. Because the CPSC relies largely on asking the media to inform the public, many people remain unaware of the dangers.

As a result, we founded a nonprofit organization called Kids In Danger (www.KidsInDanger.org). The immediate focus of our efforts is on educating the public about dangerous children's products. We believe that people have the right to know that their children could be in danger. This is an area where there is so much to be done that even a small effort can make a big difference in getting the word out to the public and saving lives.

Consider one product category: cribs. According to the CPSC, nearly 22 infants die and 9,800 more are injured in unsafe baby cribs every year. These cribs are often purchased used, handed down to other children or passed on to friends. Many are used in childcare facilities.

With SB 37 in place, my husband and I have the hope that other families here in Wisconsin will not suffer a tragedy as senseless as the one we have had to endure since the death of our beloved son. We hope that the work we do in Danny's loving memory will protect your children. Thank you.

**Testimony of Pamela Adams
Of Antioch, Illinois
Mother of Jared Adams (died in 1997 in Wisconsin)
April 18, 2007
In support of SB 37 (Lassa)
The Children's Product Safety Act**

April 25th, 1997 started out as a beautiful warm, sunny morning. We had an exceptionally cold, windy spring so far and I was looking forward to being able to get outside later that day with my 8 month old baby boy, Jared. I couldn't wait to see his reaction when he felt grass for the first time!

I stood outside Jared's room just long enough to hear him call for me from his crib. I giggled inside every time he said Ma Ma. He had been saying Da Da for weeks, but I thought I had heard him say Ma Ma the day before, and this morning it was plain as day! I felt so blessed to have such a happy, spirited baby. He had beautiful blue eyes and was so full of life you couldn't help but to fall in love with him. I dressed him extra handsome that morning in a pair of bib overalls because Grandma was coming to pick him up to take him to visit his cousin's brand new house in Randall, Wisconsin while I went to work for a few hours. I packed a few things for his visit including his favorite blankie with the fringe that he liked to play with while he sucked his thumb and his portable play yard in case he needed a nap. I gave him the usual 1,000 smooches before I left the house for work and waved to him as he stood at the kitchen door. As I backed out of the driveway I continued to wave and blow kisses. I was glad I was going to be leaving work early that day so I could spend the rest of this beautiful day with him. I always felt what can only be described as "warm fuzzies" whenever I thought of my little boy and I couldn't wait for the moment I got back home to see him.

That moment never came. Jared was pronounced dead at 11:43 a.m. at Memorial Hospital in Burlington Wisconsin. He was killed when one of the side rails of his Evenflo Happy Camper play yard/portable crib collapsed. He became trapped in the V-shape of the collapsed rail and suffocated to death.

What makes Jared's death even more tragic is that it didn't have to happen. Jared was the 11th baby to die in this type of portable crib/play yard, with rotating center hinges on the top rails. He was the 3rd victim of the Evenflo brand. In response to the mounting number of reported injuries / deaths associated with this type of design, the Evenflo Happy Camper should have been recalled long before Jared's death. The Happy Camper was finally recalled by Evenflo after Jared's death, but only after continued pressure from the CPSC.

I assumed like many other parents that children's products had to go through rigorous testing and follow stringent government safety standards. I also assumed that a product would not be sold if there were safety problems associated with it. I was shocked to learn that this is not the case.

Before Jared's death, a voluntary safety standard for play yards/portable cribs with this type of design was being finalized. However, Evenflo chose to continue to sell their product "as is" — playing Russian roulette with the lives of our children and Jared lost.

Since Jared's death, there have been five more children, including Danny Keysar, who have fallen victim to the design flaw of this portable crib/play yard. I urge all parents and caregivers to discontinue using these death traps, and to report all injuries associated with children's products immediately to the CPSC.

This legislation being considered here in Wisconsin is critical. It will assure that more people learn about recalled products and lessen the chance that another child, such as the boy who died in Mauston five years after Jared in the same brand of crib, will die needlessly.

American Academy of Pediatrics

DEDICATED TO THE HEALTH OF ALL CHILDREN™



Wisconsin Chapter

Wisconsin Chapter

330 E. Lakeside Street
PO Box 1109
Madison, WI 53701
Phone: 262/569-0074
E-mail: wisaap@wi.rr.com

Wisconsin Chapter Executive Committee

President

Halim Hennes, MS, MD, FAAP
Emergency Medicine Section
Department of Pediatrics
Medical College of Wisconsin
9000 W. Wisconsin Ave. - MS#677
Milwaukee, WI 53226
Phone: 414/266-2629
E-mail: hennes@mail.mcw.edu

Vice President

Jeffrey H. Lamont, MD, FAAP
Department of Pediatrics
Marshfield Clinic - Wausau Center
2727 Plaza Drive
Wausau, WI 54401
Phone: 715/847-3575
E-mail: jeffrey@marshfieldclinic.org

Secretary/Treasurer

LuAnn Moraski, DO, FAAP
Internal Medicine and Pediatrics
Medical College of Wisconsin
8701 Watertown Plank Road
Milwaukee, WI 53226
Phone: 414/266-6809
E-mail: lmoraski@mcw.edu

Immediate Past President

Carl Eisenberg, MD, FAAP
11042 N. Hedgewood Lane
Mequon, WI 53092-4910
E-mail: ceisenberg@aapscot.org

Chapter Executive Director

Kia LaBracke
N62 W37562 Parkview Drive
Oconomowoc, WI 53066-1716
Phone: 262/569-0074
E-mail: wisaap@wi.rr.com

Chapter Web site

www.wisaap.org

AAP Headquarters

141 Northwest Point Blvd
Elk Grove Village, IL 60007-1098
Phone: 847/434-4000
Fax: 847/434-8000
E-mail: kidsdocs@aap.org
Web: www.aap.org

Senator Julie Lassa
PO Box 7882
State Capitol
Madison, WI 53707-7882

1 March 2007

Dear Senator Lassa:

The Wisconsin Chapter of the American Academy of Pediatrics (WIAAP) strongly supports your recently introduced legislation, SB 37, the *Children's Product Safety Act*, which is aimed at prohibiting the resale or lease of recalled unsafe children's products, or their use in child care facilities. Your leadership is greatly appreciated.

The value of your legislation is clear and convincing. In our country over **sixty children die annually** in incidents associated with nursery products and over sixty thousand are injured. The general expectation among parents is that someone out there is making sure that children's products are safe. Your legislation will help ensure that parents' assumptions are true, and that recalled products are being removed from childcare centers and are not resold here in Wisconsin. On average children's products are recalled **twice a week** by the Consumer Product Safety Commission.

The WIAAP recognizes that your legislation will create an efficient notification process, facilitate parental and caregiver knowledge about recalled products, prohibit the use of dangerous items in childcare centers, and prohibit their commercial resale. Seven other states have already taken similar action to protect their children from unsafe recalled products and in at least Illinois this was done in a cost-neutral manner.

Again, the WIAAP supports SB 37 and your goal of improving the lives of children and families in our state. We look forward to working with your office to move this important legislation forward.

Sincerely,

Dipesh Navsaria, MPH, MSLIS, MD
Resident Representative

Jeffrey Britton, MD, FAAP
Chair, Cmte. on Injury, Violence & Poison Prevention

Halim Hennes, MS, MD, FAAP
President, WIAAP

Timothy Corden, MD, FAAP
WIAAP Board
Chair, Legislative Committee